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10/606,497	06/26/2003	Kavita Kamani	13768.404	5673
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WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			WILSON, YOLANDA L	
		ART UNIT	PAPER NUMBER	
		2113		

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/606,497	KAMANI ET AL.	
	Examiner Yolanda L. Wilson	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 June 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-37 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-37 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 28-37 are not limited to tangible embodiments. In view of Applicant's disclosure, Specification page(s) 10-11, paragraph(s) 0023-0024, the computer-readable media is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., RAM, CD-ROM) and intangible embodiments (e.g., connection either hardwired, wireless, or a combination of hardwired or wireless, any such connection is properly termed a computer-readable medium). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. A possible correction is in paragraph 23 of the specification change 'computer-readable media' to 'computer-readable storage media' and in paragraph 24 change 'computer-readable media' to 'computer-readable transmission media'. Then for claims 28-37 change 'computer-readable media' to 'computer-readable storage media'.

Claim Objections

2. Claims 5,7,30,31 are objected to because of the following informalities:

Claim 5. 'generate in a environmental having one or more environmental conditions' should be 'generate in an environment having one or more environmental conditions'.

Claim 7. 'an act of a network message' should be 'an act of receiving a network message'.

Claim 30. 'perform the following' should be 'perform the following:'.

Claim 31. 'perform the following' should be 'perform the following:'.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6,8-19,21-31,34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Dygon et al. (US Publication Number 20030140138A1). As per claim 1, Dygon et al. discloses an act of receiving actual test results, the actual test results being generated as a result of performing a test in a test environment; an act of receiving one or more expected test results from a results retrieval sub-system, each of the one or more expected results being results that can occur when the test is successfully performed in the test environment; and an act of evaluating the actual test results against the one or more expected test results to determine if the test was successfully performed in the test environment on page 4, paragraph 0043. The results retrieval sub-system is the Test Results Database.

5. As per claim 2, Dygon et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results that were collected at a results collection sub-system on page 4, paragraph 0043. The sub-system is inclusive of the Remote Execution Engine.

6. As per claim 3, Dygon et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results from the test module that generated the actual test results on page 3, paragraphs 0031,0033.

7. As per claim 4, Dygon et al. discloses wherein the act of receiving actual test results comprises an act of receiving actual test results generated from testing a software object on page 3, paragraphs 0031,0033.

8. As per claim 5, Dygon et al. discloses wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of receiving test results that were generated in a environmental having one or more environmental conditions that match the test environment on page 4, paragraphs 0042,0043. The results are obtained for the particular product and platform the product was tested on.

9. As per claim 6, Dygon et al. discloses wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of receiving expected test results from a plurality of test entries in a results database, the expected results from each test entry being results that indicate the test was successful in the test environment on page 3, paragraphs 0034,0035.

10. As per claim 8, Dygon et al. discloses wherein the act of evaluating the actual test results against the one or more expected test results comprises an act of

comparing field values in the actual test results to field values in the expected test results on page 4, paragraph 0042. The field values are the parameters output as the test result.

11. As per claim 9, Dygon et al. discloses wherein the act of evaluating the actual test results against the one or more expected test results comprises an act of determining if one or more actions were performed on page 4, paragraph 0043. One of the types of test cases the results can be output for.

12. As per claim 10, Dygon et al. discloses wherein the act of determining if one or more actions were performed comprises an act of determining if one or more actions were performed in a specified order on page 3, paragraphs 0034,0035. One of the types of test cases the results can be output for.

13. As per claim 11, Dygon et al. discloses further comprising: an act of receiving environmental data representing the test environment; and an act of sending the environmental data along with a test type indication to the results retrieval sub-system on page 4, paragraphs 0042,0043.

14. As per claim 12, Dygon et al. discloses wherein the act of receiving environmental data representing the test environment comprises an act of receiving environmental data from an environment discovery module on page 4, paragraphs 0042,0043. The results are obtained for the particular product and platform the product was tested on.

15. As per claim 13, Dygon et al. discloses wherein the act of receiving environmental data representing the test environment comprises an act of receiving

environmental data from the test module that executed the test on page 4, paragraphs 0042,0043. The results are obtained for the particular product and platform the product was tested on.

16. As per claim 14, Dygon et al. discloses an act of sending a results update to the results retrieval sub-system, the results update including at least the actual test results on page 4, paragraph 0043.

17. As per claim 15, Dygon et al. discloses an act of sending evaluation results to an analysis sub-system, the evaluation results including at least the actual test results and indication of whether the test was successful on page 4, paragraph 0043.

18. As per claim 16, Dygon et al. discloses receiving environmental data representing that a test was performed in a test environment; selecting one or more expected results from a results database based on the received environmental data, each of the one or more expected results being results that can occur when the test is successfully performed in the test environment; and sending the selected one or more expected results to a results evaluation sub-system in response to receiving the environmental data on page 4, paragraphs 0042,0043. The results are obtained for the particular product and platform the product was tested on. The results retrieval sub-system is the Test Results Database.

19. As per claim 17, Dygon et al. discloses wherein the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a results collection sub-system on page 4, paragraph 0042.

20. As per claim 18, Dygon et al. discloses wherein the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a results evaluation sub-system on page 4, paragraphs 0042,0043. The results evaluation sub-system is inclusive of the Code Preparation Module

21. As per claim 19, Dygon et al. discloses wherein the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data that represents the test environment on page 4, paragraph 0042.

22. As per claim 21, Dygon et al. discloses wherein the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving a test type along with the environmental data, the test type indicating a specified type of test was executed in an environment represented by the environmental data on page 4, paragraph 0043. The results are obtained for the particular product and platform the product was tested on.

23. As per claim 22, Dygon et al. discloses wherein the act of receiving a test type along with the environmental data, the test type indicating a specified type of test was executed in an environment represented by the environmental data comprises receiving an indication that a software object was tested in an environment represented by the environmental data on page 4, paragraph 0043. The results are obtained for the particular product and platform the product was tested on.

24. As per claim 23, Dygon et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of comparing environmental conditions stored in the results database to environmental conditions represented in the received environmental data on page 4, paragraphs 0042,0043.

25. As per claim 24, Dygon et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting one or more expected results having a corresponding an environmental condition that must match an environmental condition contained in the received environmental data on page 4, paragraphs 0042,0043.

26. As per claim 25, Dygon et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting one or more expected that with corresponding environmental conditions having a specified commonality to environmental conditions contained in the received environmental data on page 4, paragraphs 0042,0043.

27. As per claim 26, Dygon et al. discloses wherein the act of selecting one or more expected results from a results database based on the received environmental data comprises an act of selecting a plurality of expected results from the results database on page 4, paragraphs 0042,0043.

28. As per claim 27, Dygon et al. discloses an act of receiving a results update from the results evaluation sub-system, the results update included actual test results from a test executed in a new test environment; and an act of storing the actual results in the

results database such that the actual results can be used to determine the successful of subsequently executed tests on page 2, paragraph 0027 and page 4, paragraph 0043.

29. As per claim 28, Dygon et al. discloses receive actual test results, the actual test results being generated as a result of performing a test in a test environment; receive one or more expected test results from a results retrieval sub-system, each of the one or more expected results being results that can occur when the test is successfully performed in the test environment; and evaluate the actual test results against the one or more expected test results to determine if the test was successfully performed in the test environment on page 4, paragraph 0043. The results retrieval sub-system is the Test Results Database.

30. As per claim 29, Dygon et al. discloses receive environmental data representing the test environment; and send the environmental data along with a test type indication to the results retrieval sub-system on page 4, paragraphs 0042,0043. The results are obtained for the particular product and platform the product was tested on.

31. As per claim 30, Dygon et al. discloses send a results update to the results retrieval sub-system, the results update including at least the actual test results on page 4, paragraph 0043.

32. As per claim 31, Dygon et al. discloses send evaluation results to an analysis sub-system, the evaluation results including at least the actual test results and indication of whether the test was successful on page 4, paragraph 0043.

33. As per claim 34, Dygon et al. discloses receive environmental data representing that a test was performed in a test environment; select one or more expected results

from a results database based on the received environmental data, each of the one or more expected results being results that can occur when the test is successfully performed in the test environment; and send the selected one or more expected results to a results evaluation sub-system in response to receiving the environmental data on page 4, paragraphs 0042,0043. The results are obtained for the particular product and platform the product was tested on.

34. As per claim 35, Dygon et al. discloses receive a results update from the results evaluation sub-system, the results update included actual test results from a test executed in a new test environment; and store the actual results in the results database such that the actual results can be used to determine the successful of subsequently executed tests on page 2, paragraph 0027 and page 4, paragraph 0043.

Claim Rejections - 35 USC § 103

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dygon et al. in view of Silva et al. (USPN 6223306B1). As per claim 7, Dygon et al. fails to explicitly state wherein the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a

second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system.

Clark discloses this limitation in column 4, lines 14-20.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system. A person of ordinary skill in the art would have been motivated to have the act of receiving one or more expected test results from a results retrieval sub-system comprises an act of [receiving] a network message from a second computer system that includes the results retrieval sub-system, the second computer system being network connectable to the computer system because the user will want to analyze personally whether or not the software tested passed or failed.

37. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dygon et al. in view of Banerjee et al. (US Publication Number 2004/0250243A1).

38. As per claim 20, Dygon et al. fails to explicitly state wherein the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system.

Banerjee et al. discloses this limitation on page 4, paragraph 0057.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system. A person of ordinary skill in the art would have been motivated to have the the act of receiving environmental data representing that a test was performed in a test environment comprises an act of receiving environmental data from a second computer system that includes the results evaluation sub-system, the second computer system being network connectable to the computer system because the user will want to know whether or not the software tested on the platform passed or failed.

39. Claims 32,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dygon et al. in view of High-Tech Dictionary Definition (magnetic disk).

40. As per claims 32,36, Dygon et al. fails to explicitly state wherein the one or more compute-readable media are physical media.

High-Tech Dictionary Definition discloses this on page 1.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more computer-readable media be physical media. A person of ordinary skill in the art would have been motivated to have the one or more computer-readable media be physical media because physical media, such as a magnetic disk, are used to store data thereon.

Claims 33,37...Dygon et al. fails to explicitly state wherein the one or more computer-readable media include system memory.

High-Tech Dictionary Definition discloses this on page 1.

A person of ordinary skill in the art would be motivated to have a system memory because

41. Claims 33,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dygon et al. in view of High-Tech Dictionary Definition (system memory).

42. As per claims 33,37, Dygon et al. fails to explicitly state wherein the one or more compute-readable media include system memory.

High-Tech Dictionary Definition discloses this on page 1.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the one or more computer-readable media include system memory. A person of ordinary skill in the art would have been motivated to have the one or more computer-readable media include system memory because the system memory is used to stored important programs thereon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yolanda L Wilson
Examiner

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